



TOWN OF SHIRLEY CONSERVATION COMMISSION

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SHIRLEY CONSERVATION COMMISSION

Vegetated Buffer Policy

A. Policy

Unless proven otherwise by the applicant, the Shirley Conservation Commission ("the Commission") shall presume that any proposed activity within 25 feet of any wetland will have a significant adverse impact on the wetland and should not be permitted. In addition, no structures should be permitted within 40 feet of any wetland in order to provide for the aforementioned 25-foot buffer and safe and adequate access around said structures.

B. Purpose of Policy

The Commission has found that activity in the 100-foot buffer zone bordering wetland resource areas poses a serious threat to such areas. As a result, the Commission strongly discourages such activity within 25 feet of wetland boundaries. This undisturbed zone will provide a minimum buffer to prevent negative impacts on wetlands.

C. Basis of Policy

Scientific research (as noted in the many references included within "Wetland Buffers: Use and Effectiveness," Publication #92-10 by the Washington State Department of Ecology, 1992) and the Commission's own experience in reviewing a wide variety of projects demonstrate that alteration or construction activities within the buffer zone consistently result in destructive effects on the wetlands themselves. These include, but are not limited to, increases in the amount and rate of runoff; disturbance of natural vegetation along the wetlands boundary; run-off of pollutants, fill material, and other substances into the wetlands; stockpiling or dumping of materials or debris, which migrate over time into the wetlands; and disturbance of wildlife habitat, such as nesting sites and corridors that are important to wetland species, as well as the introduction of invasive and exotic species. The Commission has also noted a tendency on the part of many project proponents to design the project so that it goes to the absolute limit of the wetland boundary. Particularly given the difficulty which often arises in defining that boundary, in most instances it is vital to protect an adjacent section of the buffer zone and prevent the inevitable destructive impacts on the wetlands which arise from activity that goes to the boundary.

D. Definitions

As used herein:

"Alteration" shall mean any removal, alteration, or disturbance of soil, vegetative cover, or other naturally occurring materials.

"Construction" shall mean the construction of any structure or building, including, without limitation, any residential or commercial building, garage, shed, barn, tennis court, deck, swimming pool, driveway, or landscaping project.

E. Variances

In acting upon Notices of Intent and Determinations of Applicability, the Commission will presume that any Alteration or Construction within 25 feet of a wetland boundary or any construction of a structure within 40 feet of a wetland boundary would have a significant adverse impact on the wetlands, and such Alteration or Construction shall not be permitted unless the applicant demonstrates that (1) such activity would not have such an impact or (2) public benefits, such as health or safety, outweigh any such impact. The applicant shall have the burden of proof on this issue. Factors to be considered by the Commission in determining whether the applicant has met this burden shall include, but are not limited to, the following:

1. Slope of the buffer zone.
2. Type and structure of vegetation in the buffer zone.
3. Degree and scale of past alterations in the buffer zone.
4. Ecological integrity of the adjacent wetlands.
5. Importance of the buffer zone to wildlife utilizing wetlands.
6. Whether the proposed activity in the buffer zone would be permitted if it were in the wetlands.
7. Any ecological benefits arising from the proposed activity, such as removal of exotic vegetation or creation of enhanced wildlife habitat.
8. Any public benefits arising from the proposed activity.

Applicants wishing to vary from this policy shall provide the Commission with the following information, together with any additional relevant information which the Commission may require:

1. A cross-sectional profile of elevation change in any area of the buffer zone within 25 feet of a wetland that would be disturbed by the proposed activity.
2. A list of all vascular plant species occurring in the 25-foot area of the buffer zone and adjacent wetland areas, including data on relative abundance of each species.
3. A wildlife habitat evaluation of the 25-foot area of the buffer zone and adjacent wetlands, including data on observed wildlife utilization of such area, such as breeding bird use and occurrence of fish, reptiles, amphibians, and mammals.
4. A description of the nature of any public or ecological benefits that may arise from the proposed activities.